

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of: )  
 INFORMATION ASSOCIATED WITH THE FOLLOWING )  
 FACEBOOK USER: Mason Means )  
 URL: )  
<https://www.facebook.com/profile.php?id=100011980274285> )

Case No.

5:19-MJ-80

FILED

JUL 25 2019

Matthew Schubert  
CLERK

THAT IS STORED AT PREMISES CONTROLLED BY  
 FACEBOOK INC.

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the District of South Dakota, there is now concealed (*identify the person or describe the property to be seized*):

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

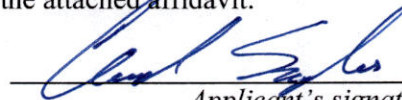
The search is related to a violation of:

Code Section  
 [18 U.S.C. § 922(g)(1)]

Offense Description  
 Possession of a Firearm by Prohibited person

The application is based on these facts:

- ☒ Continued on the attached affidavit, which is incorporated by reference.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.  
☐ Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached affidavit.  
☐ Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached affidavit.



Applicant's signature

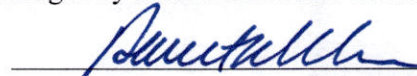
Chad Sayles, RCPD Detective, ATF TFO

Printed name and title

Sworn to before me and: ☒ signed in my presence.

☐ submitted, attested to, and acknowledged by reliable electronic means.

Date: 7-25-19



Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate

Printed name and title

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF INFORMATION  
ASSOCIATED WITH THE FOLLOWING FACEBOOK  
USER: Mason Means  
URL:  
<https://www.facebook.com/profile.php?id=100011980274285>  
THAT IS STORED AT PREMISES CONTROLLED BY  
FACEBOOK INC.

**Filed Under Seal**

5:19-MJ-80

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

State of South Dakota            )  
  ) ss  
County of Pennington            )

I, Chad Sayles, being duly sworn, states as follows:

1. I am a Detective with the Rapid City Police Department, and currently assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as a Task Force Officer (TFO). I have been employed with the Rapid City Police Department since 2009 and assigned to the ATF Task Force since 2016. Prior to my employment with the Rapid City Police Department, I was employed with the South Dakota Game Fish and Parks as a Conservation Officer. During that time, I have attended and completed a twelve-week basic Law Enforcement certification course in South Dakota. I have also attended and completed a one-week ATF Task Force Officer training in Washington D.C. I attended Black Hills State University and graduated with a Bachelor's Degree in Science. Currently, my responsibilities are to investigate the use, transportation, distribution, and manufacture of illegal drugs and firearms. I have also interviewed several drug/firearms users and dealers regarding the manner in which they conduct business and have become familiar with their techniques.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned,

maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachments A and B.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user IDs.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that evidence of violations of 18 U.S.C. § 922 (g)(1) are present in the following Facebook account: user name: Mason Means, URL: <https://www.facebook.com/profile.php?id=100011980274285>. There is also probable cause to search the information described in Attachment A for evidence, contraband, or fruits of these crimes, as further described in Attachment B.

#### **PROBABLE CAUSE**

5. On June 21, 2019, Rapid City Police Department Officers attempted to stop a 2004 silver Chevy Malibu bearing South Dakota license 2B6185 for a traffic violation. When the officer activated the emergency lights, the silver Chevy Malibu failed to stop and a pursuit ensued. The pursuit continued on to Eglin St. on the North East side of Rapid City. While on Eglin St. the pursuit continued to Edward St. where the vehicle stopped. The officers saw two female passengers exit the vehicle, and also observed items being thrown out of the vehicle onto the ground. The driver of the vehicle took off again and officers continued the pursuit. Other officers detained the two female passengers who exited the vehicle.



6. After officers had detained the two female passengers, the officers located the items that were thrown out of the vehicle onto the ground. The officers located a purse and plastic bag which contained a loaded Glock 17 handgun with an extended magazine. The Glock 17 handgun was loaded with a round in the chamber, and an additional 20 rounds of ammunition in the magazine. Officers were also able to locate a bulletproof vest lying in the grass where the other items were recovered.

7. An officer asked one of the female passenger who was driving the vehicle. The passenger told the officers his name was Mason, but he goes by "Skeet." The passenger said she had been drinking and needed a ride and that Mason said he would drive. The passenger said Mason was acting crazy and had a gun. The passenger stated Mason took her stuff prior to Mason kicking her out of the vehicle at which time Mason put his belongings in her bag.

8. As officers were dealing with the passengers, the pursuit continued north of Rapid City into the county. The pursuit ultimately turned back to the west and came back into Rapid City in the location of West Nike Rd and County Rd. Officers were able to get two successful spikes on the vehicle in the above mentioned location. The pursuit continued onto Haines Ave. before turning west on Northridge Dr. The vehicle traveled north on Lawrence Dr. and came to a stop at home on Lawrence Dr. in Rapid City, South Dakota. The driver exited the vehicle and began running east through the driveway. At the time South Dakota Highway Patrol was assisting with the use of their airplane and infrared technology. The Highway Patrol relayed information to the officers that the driver had run to the back door of the residence and appeared to have gone inside the residence.

9. Officers were able to set up a perimeter around the residence on Lawrence Dr. While officers were holding the perimeter, an individual came out of the residence and advised the

individual who ran into the residence was "Mason" and that he had face tattoos. The description led officers to believe the driver was possibly Mason Means. Officers knew Mason had facial tattoos, had a history of being in possession of firearms, and had two active Pennington County warrants.

10. While maintaining a perimeter around the residence, an officer observed a male individual exit the rear of the house run north of the residence. Officers pursued the individual on foot and were able to detain him. The individual was confirmed to be Mason Means. Mason was arrested and placed in a patrol vehicle.

11. Officers conducted a search of the vehicle Means was driving and noticed several open and empty alcohol containers. A case of 9mm ammunition was located in the center console and a marijuana pipe was found in the glove box. In the trunk, officers located a black backpack. In the backpack, officers found male clothing, a burnt metal straw, and a handmade pipe with white residue. An officer field-tested the pipe and it showed a presumptively positive result for methamphetamine.

12. On June 24, 2019, I reviewed the Rapid City Police reports related to the arrest of Mason Means. I requested certified court documents on his prior conviction and reviewed the court documents. In March 2019, Mason Means was convicted of felony unauthorized ingestion of a Controlled Substance and given a 4-year custody sentence, which was suspended in favor of 4 years of probation. This conviction prohibits Means from possession firearms.

13. On July 1, 2019, I used the Rapid City Police Department Detective Facebook account to look up Mason Means. Upon looking up Mason Means I located an account with the name Mason Means. In looking at the account I saw a photo attached to the account that was of Mason Means. Also attached to the account is a video of Mason Means with the date of October

11, 2018. This video shows Mason Means holding a Glock handgun in his right hand, with an extended magazine which in his left hand. As the video starts Mason Means is seen putting the magazine in the handgun and then dancing around. The video is approximately 53 seconds long. Based on my review of the Glock handgun and magazine seized on June 21, 2019, and the Glock handgun and magazine in the Facebook video, it appears the two are the same firearm.

14. On July 1, 2019, I also preserved the following Facebook account of Mason Means:

a. Screen Name: Mason Means

i. <https://www.facebook.com/profile.php?id=100011980274285>

#### **INFORMATION ON FACEBOOK**

15. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows individuals to specifically communicate with another person through a Facebook application called "Messenger." In my training and experience, people who engage in online criminal activity often also utilize Facebook to meet and to chat with other subjects.

16. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

17. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook

also assigns a user identification number to each account.

18. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

19. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

20. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A

particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

21. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

22. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

23. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

24. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or



content on third party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

25. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but people who visit the user’s Facebook page cannot view it.

26. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

27. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

28. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

29. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or

use of that application may appear on the user's profile page. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

30. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

31. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by

the provider or user as a result of the communications.

32. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user’s “Neoprint,” IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the user accessed or used the account. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining, the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s

motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

33. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

**INFORMATION TO BE SEARCHED  
AND THINGS TO BE SEIZED**

34. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**REQUEST / JUSTIFICATION FOR  
ORDER OF NONDISCLOSURE**

35. The United States respectfully applies for an order of nondisclosure to Facebook under 18 U.S.C. § 2705(b) regarding the following account: User Name: Mason Means, URL: <https://www.facebook.com/profile.php?id=100011980274285>. The United States is seeking this search warrant for user information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not

required to provide notice to the subscriber. Under § 2705(b), the United States may apply to the court for an order commanding Facebook not to notify the subscriber of the existence of the search warrant. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3). The basis for the request is that such disclosure could cause any person with access to the accounts, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation. Especially due to the ease of access to Facebook, its content can be modified by persons with internet access and sufficient account information. As such, the United States respectfully requests this Court enter an order commanding Facebook not to notify the user of the existence of this warrant.

#### **REQUEST FOR SEALING**

36. I further request that the Court order that the matter be sealed until further order of the Court. The matter is an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal the matter because premature disclosure may seriously jeopardize the ongoing investigation.

#### **LIMIT ON SCOPE OF SEARCH**

37. I submit that if during the search, agents find evidence of crimes not set forth in this affidavit, another agent or I will seek a separate warrant.

#### **CONCLUSION**

38. Based on the forgoing, I request that the Court issue the proposed search warrant.

39. This Court has jurisdiction to issue the requested warrant because it is “a court of



competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A).

40. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Dated: 7/25/19



Detective/Task Force Officer Chad Sayles  
Rapid City Police Department  
Alcohol, Tobacco, Firearms, and Explosives

SUBSCRIBED and SWORN to

dlw in my presence

\_\_\_\_\_ by reliable electronic means

this 25<sup>th</sup> day of July, 2019.



DANETA WOLLMANN  
U.S. MAGISTRATE JUDGE

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the following Facebook user IDs that are stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California:

- User Name: Mason Means;
- URL: <https://www.facebook.com/profile.php?id=100011980274285>

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

All contact and personal identifying information, including for Facebook user ID: user name: Mason Means, URL: <https://www.facebook.com/profile.php?id=100011980274285>

- (a) Including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the accounts and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers;

- future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending “Friend” requests;
  - (f) All “check ins” and other location information;
  - (g) All IP logs, including all records of the IP addresses that logged into the accounts;
  - (h) All records of the accounts’ usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
  - (i) All information about the Facebook pages that the accounts are or were a “fan” of;
  - (j) All past and present lists of friends created by the accounts;
  - (k) All records of Facebook searches performed by the accounts;
  - (l) All information about the users’ access and use of Facebook Marketplace;
  - (m) The types of service utilized by the user;
  - (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
  - (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the accounts;
  - (p) All records pertaining to communications between Facebook and any person regarding the user or the user’s Facebook accounts, including contacts with support services and records of actions taken.

**II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 922(g)(1), possession of a firearm by a prohibited person, from January 1, 2018, to present, including, for each user IDs identified on Attachment A.

**III. Information Regarding Search Warrant Compliance by Facebook:**

Facebook shall disclose responsive data, if any, by sending to:

Detective/Task Force Officer Chad Sayles  
Alcohol, Tobacco, Firearms and Explosives  
1825 Clearview Ln, Suite 201  
Rapid City, SD 57702  
chad.sayles@rcgov.org  
(605) 484-7425

Facebook shall use the United States Postal Service or another courier service to disclose the responsive data, notwithstanding 18 U.S.C. § 2252A or similar statute or code.



**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is \_\_\_\_\_. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rules 902(11) and (13) of the Federal Rules of Evidence.

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Date

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Signature

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of  
 INFORMATION ASSOCIATED WITH THE FOLLOWING )  
 FACEBOOK USER: Mason Means )  
 URL: )  
https://www.facebook.com/profile.php?id=100011980274285 )  
 )  
 THAT IS STORED AT PREMISES CONTROLLED BY )  
 FACEBOOK INC. )

Case No. 5:19-MJ-80

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (identify the person or describe the property to be searched and give its location):

See **ATTACHMENT A**, attached hereto and incorporated by reference

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crime in violation of 18 U.S.C. § 922(g)(1), as described in **ATTACHMENT B**, attached hereto and incorporated by reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before August 8, 2019 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.  
 (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

☐ I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 7-25-19 9:42am


Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate  
 Printed name and title

cc: AUSA Ben  
 Patterson  
 kle

AO 93 (Rev. 11/13) Search and Seizure Warrant

(Page 2)

**Return**

Case No.:

5:19-MJ-80

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*